

Amendments to the Claims

Please amend the claims as shown below.

1. (Currently Amended) A method comprising the steps of:

determining whether a called party's audio device is able to support at least one voice compression algorithm supported by a calling party's audio device based on messages sent between said called party's audio device and said calling party's audio device via a circuit switched network; and

~~exchanging voice signals between said called party's audio device and said calling party's audio device via a data network~~; if said called party's audio device is able to support said at least one voice compression algorithm, (a) compressing said voice signals, at the calling party's audio device, using at least one voice compression algorithm determined to be supported by both said called party's audio device and said calling party's audio device over a data network;

(b) sending said compressed voice signals to said called party's audio device from said calling party's audio device via said data network; and

(c) decompressing said compressed voice signals using said supported voice compression algorithm at said called party's audio device; and

if the calling party's audio device and the called party's audio device use incompatible voice compression algorithms, maintaining the call on the circuit switched network.

~~wherein said determining step is accomplished by exchanging messages between said called party's audio device and said calling party's audio device via a circuit switched network~~.

2. (Cancelled)
3. (Previously Presented) The method of claim 1, wherein said messages are modified circuit control signaling messages.
4. (Canceled)
5. (Original) The method of claim 1, wherein each of said audio devices is one of a wired telephone, a wireless telephone, and an Internet protocol (IP) based computer telephone.

6. (Original) The method of claim 1, wherein said data network is an Internet protocol (IP) network.

7. – 45. (Cancelled)

46. (Currently Amended) A method of setting up a voice call between two digital wireless telephones, comprising:

receiving, at a switch in a communication network, a call setup request from a calling digital wireless ~~phone~~telephone;

determining, prior to completing the call setup between the calling digital wireless telephone and a called digital wireless telephone, whether the called wireless digital telephone uses a voice compression algorithm that is compatible with a voice compression algorithm used by the calling digital wireless telephone;

if the called digital wireless telephone and the calling digital wireless telephone use incompatible voice compression algorithms, setting up the voice call over the communication network;

~~setting up the voice call over the Internet~~if the called digital wireless telephone and the calling digital wireless telephone use compatible voice compression algorithms, (a) setting up the voice call over the Internet; and

(b) exchanging compressed voice signals between the calling digital wireless telephone and the called digital wireless telephone during the voice call over the Internet, wherein the voice signals are compressed using the compatible voice compression algorithm at either the calling digital wireless telephone or the called digital wireless telephone;and

~~setting up the voice call over the communication network~~if the called digital wireless telephone and the calling digital wireless telephone use incompatible voice compression algorithms.

47. (Previously Presented) The method of claim 46 wherein the communication network is a circuit switched network.

48. (Previously Presented) The method of claim 47 wherein the circuit switched network is a public switched telephone network.

49. (Currently Amended) A method of choosing a call setup in a communication ~~network~~system, comprising:

receiving a request from a calling telephone for call setup on a circuit switched network to a called telephone;

determining whether the calling telephone and the called telephone support compatible voice compression algorithms;

if the calling telephone and the called telephone use incompatible voice compression algorithms, maintaining the call from the calling telephone to the called telephone on the circuit switched network; and

if the called telephone supports a voice compression algorithm that is compatible with a voice compression algorithm supported by the calling telephone, (a) diverting the call ~~from the circuit switched network~~ to a data network ~~if the called telephone supports a voice compression algorithm that is compatible with a voice compression algorithm of the calling telephone; and~~

(b) exchanging voice signals, over the data network, compressed at either the calling telephone or the called telephone, wherein the compression of the voice signals is performed using the compatible voice compression algorithm.

50. (Previously Presented) The method of claim 49, further comprising:

determining whether the calling telephone and the called telephone have access to the same data network.

51. (Previously Presented) The method of claim 50, wherein the data network is the Internet.

52. (Previously Presented) The method of claim 49, wherein the data network is the Internet.

53. (Currently Amended) A method comprising:

initiating a call setup between a calling party's audio device and a called party's audio device using a first path;

before the call setup is completed, determining whether the called party's audio device supports a voice compression algorithm compatible with a voice compression algorithm supported by the calling party's audio device; ~~and~~

~~based on the determination~~if the calling party's audio device and the called party's audio use compatible voice compression algorithms, completing the call setup using a second path different from the first path; and

if the calling party's audio device and the called party's audio device use incompatible voice compression algorithms, maintaining the call from the calling party's audio device to the called party's audio device on the first path.

54. (Previously Presented) The method of claim 53, wherein the first path includes a public switched telephone network.

55. (Previously Presented) The method of claim 53, wherein the second path includes a data network.

56. (Previously Presented) The method of claim 53, further comprising:
based on the determination, completing the call setup on the first path.

57. (Currently Amended) A method comprising:

sending call setup signals via a circuit-switched network to set up a call between a calling party's telephone and a called party's telephone;

consulting information relating to compatibility of respective voice compression algorithms supported by the calling party's telephone and the called party's telephone, wherein the information is included in a request issued by the calling party's telephone and in a response to the request from the called party's telephone; and

based on the consultation of the information that indicates that the calling party's telephone and the called party's telephone both support a compatible voice compression algorithm, sending call setup signals via a data network to complete the call setup, otherwise, complete the call setup by continuing to send call setup signals via the circuit-switched network~~wherein the information is included in a request issued by the calling party's telephone and in a response to the request from the called party's telephone.~~

58. (Previously Presented) The method of claim 57, wherein the information further relates to whether both the calling party's telephone and the called party's telephone have access to the data network.

59. (Cancelled)

60. (Previously Presented) The method of claim 57, wherein the information is included in a network node.

61. (Currently Amended) A method comprising:

sending a call request message to a called digital wireless telephone via a public switched telephone network as a portion of a call setup procedure, the call request message including a list of voice compression algorithms supported by a calling digital wireless telephone;

receiving a response message indicating whether the called digital wireless telephone supports one of the voice compression algorithms on the list, and whether the called digital wireless telephone accesses a data network also accessible to the calling digital wireless telephone;

if the response message indicates that the called digital wireless telephone can support one of the voice compression algorithms on the list and that the called digital wireless telephone can access the data network, completing the call setup procedure via the data network and sending data compressed according to the listed voice compression algorithm from the calling digital wireless telephone to the called digital wireless telephone; and

if the response message indicates that the called digital wireless telephone cannot support one of the voice compression algorithms on the list or that the called digital wireless telephone cannot access the data network, completing the call setup procedure via the public switched telephone network.

62. (Previously Presented) The method of claim 61, wherein the data network is the Internet.

63. (Currently Amended) A method comprising:

performing a phase of a call setup procedure using a communication path that includes a mobile switching center (MSC) coupled to a data network and a public switched telephone network (PSTN), the phase including sending a call request message received from a calling digital wireless telephone at the MSC to a called digital wireless telephone via the PSTN, the call request message including a list of voice compression algorithms supported by the calling digital wireless telephone;

determining, based on a response message from the called digital wireless telephone, whether the called digital wireless telephone supports one of the voice compression algorithms on the list and whether the called digital wireless telephone has access to the data network;

if the called digital wireless telephone supports one of the voice compression algorithms on the list and has access to the data network, completing the call setup procedure via the data network; ~~and~~

if the called digital wireless telephone does not support one of the voice compression algorithms on the list or does not have access to the data network, completing the call setup procedure via the PSTN; and

exchanging compressed voice signals between the calling digital wireless telephone and the called digital wireless telephone, wherein the voice signals are compressed according the supported voice compression algorithm by either the calling digital telephone and the called digital telephone.

64. (Previously Presented) The method of claim 63, wherein the data network is the Internet.

65. (Currently Amended) A method for diverting an Integrated Services Digital Network User Part (ISUP) network talkpath to a data network talkpath, comprising the steps of:

determining, using an ISUP signaling path, whether a called party's telephone is ~~adapted~~ configured to exchange voice signals via a same data network to which a calling party's telephone is adapted to exchange voice signals using a voice compression algorithm compatible with both the calling party's telephone and the called party's telephone, said ISUP signaling path being established during a process of establishing the ISUP network talkpath;

establishing the data network talkpath using resources associated with said same data network if said called party's telephone is adapted-configured to exchange compressed voice signals between said calling party's telephone and said called party's telephone via said same data network using the compatible voice compression algorithm; and

exchanging voice signals between said called party's telephone and said calling party's telephone using the data network talkpath.

66. (New) The method of claim 1, further comprising:

assigning, by a mobile switching center, an IP address and port number pair to each of the voice compression algorithms.

67. (New) The method of claim 1, further comprising:

assigning, by a calling party's audio device, an IP address and port number pair to each of the voice compression algorithms; and

including the assigned IP address and port number pair in a request message sent to set up a call between the calling party's audio device and the called party's audio device.